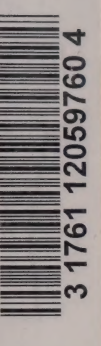


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Government
Publications

WHAT YOU NEED TO KNOW
ABOUT ONTARIO'S RESIDENTS'
RIGHTS ACT



Garden Suites

Information for
Homeowners

What is the Residents' Rights Act?

The Residents' Rights Act is a new law in Ontario. It encourages municipalities to work with homeowners who wish to install garden suites on their properties.

WHAT IS A GARDEN SUITE?

Garden suites, sometimes called "granny flats", are small, self-contained dwellings that are designed to be portable. "Self-contained" means that each unit must have its own kitchen, bathroom and living area.

In most cases, water and sewer services are connected to those of the "host" house.

Garden suites are usually installed in the side or rear yard of an existing house, and must be able to be removed when no longer needed.

ARE GARDEN SUITES A NEW CONCEPT?

Garden suites have been developed successfully in other countries, such as Australia.

In 1984, the Ontario Ministry of Housing developed a granny flats demonstration project in three regions of the province. The aim of the project was to set up garden suites in a number of communities so the potential of these units could be examined. A total of 12 units were set up.

The results were very positive – the final assessment of the project in 1990 reported that:

- For almost all occupants and hosts, the garden suite living arrangement proved to be very satisfactory. The well-being of occupants was enhanced and the stress of caregivers was reduced. Host families also reported the benefits of both increased companionship and services provided by the elderly occupant (such as child care and cooking.)
- Municipal officials, and the vast majority of neighbours who had garden suites near their properties, thought the concept worked very well.

WHO WOULD LIVE IN A GARDEN SUITE?

- Garden suites can be an ideal form of housing for seniors and persons with disabilities who are largely capable of living independently, but who require some support to live on their own.
- Ontario's population of seniors is increasing, and will continue to do so. From 1986-2011, it is expected that the number of people aged 65 and older will increase by 86 per cent.
- There is an increasing recognition of the special needs of persons with disabilities. For both seniors and persons with disabilities, housing is a primary concern since most traditional housing stock is not geared to their needs.
- Garden suites have the added advantage of allowing people to stay in their communities, and to be close to their families.
- Garden suites can also be less costly than a nursing home or other institution.

WHAT DO I NEED TO KNOW ABOUT INSTALLING A GARDEN SUITE ON MY PROPERTY?

In most cases, municipalities do not permit two residential buildings on one lot. As a result, the

homeowner usually needs special permission from the municipality to install a garden suite.

The Residents' Rights Act is designed to encourage municipalities to give their permission to homeowners who want to install these units.

The legislation allows municipalities to pass a "temporary use" by-law to permit a garden suite for a period of up to ten years. This is up from the limit of three years, which still applies to other types of temporary uses.

A longer time period is beneficial for homeowners, since they do not have to go to the trouble of renewing their temporary use by-law allowing the garden suite as often.

The legislation does not require that municipalities permit garden suites. There may be situations where garden suites would be inappropriate (for example, where the lot is too small.)

AN AGREEMENT MAY BE REQUIRED

The Residents' Rights Act allows municipalities to require that a homeowner who wishes to install a garden suite sign an agreement.

It is expected that, because such agreements allow municipalities to regulate garden suites more effectively, more units of this type will be allowed.

The agreement can cover:

- the appearance of the garden suite, including how it is designed and constructed;
- how the garden suite is to be maintained;
- the name of the person who is to live in the garden suite;
- when the garden suite is to be removed (for example, when the occupant moves out, or when the temporary use by-law expires.)

The agreement can also require the homeowner to post a bond, to ensure compliance with the terms of the agreement.

CAN TRAILERS OR MOBILE HOMES BE USED AS GARDEN SUITES?

Since municipalities can set the rules for the appearance of a garden suite, they may decide to treat trailers and mobile homes as garden suites, but are not required to do so.

Some municipalities may require that garden suites be small modular houses which “blend in” with the surrounding community. Of course, such houses must still be designed to be portable, so that they can be removed later.

CAN OTHER PERMANENT BUILDINGS BE TREATED AS GARDEN SUITES?

No. Converted detached garages, coachhouses or other outbuildings are not designed to be portable. Therefore, they cannot be treated as garden suites.

Homeowners who wish to use these types of buildings as accommodation can apply for a permanent or temporary rezoning of their property (for up to three years) to allow two houses.

Municipalities may be reluctant to approve such rezonings without the security of a garden suite agreement.

WHAT IS THE DIFFERENCE BETWEEN A GARDEN SUITE AND AN APARTMENT IN A HOUSE?

A garden suite is a separate building which is not attached to the main house on the property. An apartment in a house is a self-contained unit created by sub-dividing or adding onto an existing house.

Under the Residents' Rights Act, municipalities can decide on a case-by-case basis whether to approve the installation of a garden suite.

In the case of apartments in houses, the legislation requires that municipalities permit second units in detached, semi-detached, and row houses which are connected to municipal sanitary sewers, provided that building, fire and reasonable planning requirements are met.

WHERE CAN I GO TO GET INFORMATION ON INSTALLING A GARDEN SUITE?

If you are interested in finding out more about garden suites, contact your municipal planning or building department.

Garden suites are manufactured by private companies which sell (and may lease) such units. The Ministry of Housing does not provide garden suites, but can provide a list of manufacturers.

Contact the Housing Development and Buildings Branch of the Ministry of Housing at (416) 585-6515, for further information.

FOR MORE INFORMATION ON THE RESIDENTS' RIGHTS ACT

Included in the Residents' Rights Act "Apartments in Houses" information series are these publications:

- Information for Homeowners
- Information for Tenants
- "How-to" guide for installing garden suites
- "How-to" guide for installing and upgrading of second units in houses

If you have questions about apartments in houses or the Residents' Rights Act, you may contact the Ministry of Housing:

- Housing Development and Buildings Branch: (416) 585-6515
- Customer Assistance: (416) 585-7041

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